

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUSY A. MATHEW,	:	
	:	
	Plaintiff, :	1:24-cv-8727-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
NEW YORK CITY DEPARTMENT OF	:	
EDUCATION, <i>et al.</i> ,	:	
	:	
	Defendants. :	
	:	
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GREGORY H. WOODS, United States District Judge:		

On April 7, 2025, Plaintiff filed a proposed certificate of default against Defendant Manuel A. Urena. Dkt. No. 26. The Clerk of Court entered a certificate of default against Mr. Urena on April 8, 2025. Dkt. No. 28. On April 22, 2025, Plaintiff filed an application for an order to show cause why default judgment should not be entered against Mr. Urena. Dkt. Nos. 32–36. However, on April 7, 2025, counsel for Defendants filed an answer on behalf of both New York City Department of Education and Mr. Urena. Dkt. No. 25. Because an answer was filed before default was entered, in light of the Second Circuit’s “oft-stated preference for resolving disputes on the merits,” Plaintiff’s application for an order to show cause why default judgment should not be entered is DENIED, and the entry of default is hereby vacated. *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 95 (2d Cir. 1993).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 32 and to vacate the entry of default against Defendant Manuel A. Urena at Dkt. No. 28. The Clerk of Court is further directed to mail a copy of this order to Plaintiff by certified mail.

SO ORDERED.

Dated: April 27, 2025

USDC SDNY
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DATE FILED: 4/27/2025



GREGORY H. WOODS
United States District Judge